

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SCOTT WILLIAM CLEWIS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

NO. C05-5129JET
CR98-5070JET

ORDER

THIS MATTER comes on before the above-entitled Court upon Defendant's Motion under Fed.R.Civ.P. 60(b) for Reconsideration of this Court's order denying Defendant's Motion for Writ of Error *Audita Querela*, or in the Alternative Notice of Appeal.

Having considered the entirety of the records and file herein, it is hereby

ORDERED that Defendant's Motion for Reconsideration is properly construed as a second or successive §2255 petition. Defendant has not obtained prior authorization from the Ninth Circuit Court of Appeals to file a second or successive motion. Accordingly, Defendant's motion is DISMISSED for want of jurisdiction.

1 IT IS SO ORDERED.

2 The clerk of the court is instructed to send uncertified copies of this Order to all counsel of
3 record.

4 DATED this 29th day of September, 2005.

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6 /s JACK E. TANNER

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8 JACK E. TANNER
9 SR. UNITED STATES DISTRICT JUDGE
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